

AN ORDINANCE **98199**

EXPANDING THE SCOPE OF SERVICES IN AN EXISTING LEGAL SERVICES CONTRACT WITH GEORGE C. BALDWIN, ATTORNEY AT LAW OF LLOYD, GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND, P.C., FOR THE CONTINUED LEGAL REVIEW AND ANALYSIS OF CLAIMS SUBMITTED BY TODD-FORD, A SUBCONTRACTOR TO CLARK/JT CONSTRUCTION IN ASSOCIATION WITH PHASE IB OF THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT, AND THE MEDIATION AND ARBITRATION, IF NEEDED, OF SUCH CLAIMS FOR AN AMOUNT NOT TO EXCEED \$120,000.00; AUTHORIZING A CONTRACT IN THE AMOUNT OF \$15,000.00 WITH LEWIN PLUNKETT OF PLUNKETT & GIBSON FOR LEGAL SERVICES IN CONNECTION WITH A DISPUTE OF AN INSURANCE MATTER BEFORE THE DISPUTES RESOLUTION BOARD ("BOARD") ESTABLISHED PURSUANT TO THE CONTRACT; AUTHORIZING THE PAYMENT OF \$5,000.00 FOR RICK REED OF JOHNSTON, RALPH, REED & WATT FOR SERVICES RENDERED ON THE BOARD; RATIFYING SERVICES PREVIOUSLY PERFORMED; AND PROVIDING FOR PAYMENT IN THE TOTAL AMOUNT OF \$140,000.00.

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WHEREAS, two contracts required for the construction of the Henry B. Gonzalez Convention Center Expansion Project (the "Project") were awarded to Clark/JT Construction for New Construction and Renovation (Phase IB) and to Browning Construction Company for the renovation of (the then Phase IC) existing facilities of the Project with each providing for the establishment of a Disputes Resolution Board (the "Board") to assist in the resolution of claims with the intent of avoiding potentially costly and time-consuming litigation; and

WHEREAS, the composition of the Board consists of three individuals with recognized expertise in the field of construction, with one member each appointed by the City and the contractor, and the third person being mutually selected by the other two members. Members are compensated by their appointing party a maximum of \$200 per hour or \$1,500 per day, with the City and the contractor sharing in the expenses of the third party neutral; and

WHEREAS, pursuant to ordinances previously adopted by City Council, George Baldwin of the firm of Lloyd, Gosselink, Belvins, Rochelle, Baldwin & Townsend, P.C. was appointed by City Council to serve as the City's representative on the Boards and Rick Reed of Johnston, Ralph, Reed & Watt was mutually designated to serve as the third party neutral; and

WHEREAS, this Ordinance expands the scope of services of the existing Legal Services Contract with George C. Baldwin, of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C. for the continued legal review, representation, and analysis of claims submitted by Todd-Ford, a subcontractor to Clark/JT Construction and the mediation and arbitration, if needed, of such claims, authorizes a contract with Lewin, Plunkett of Plunkett & Gibson for legal services in connection with a dispute of an insurance matter before the Board, and authorizes payment for Rick Reed for his services on the Board; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The existing Legal Services Contract with George C. Baldwin, Attorney at Law of Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C. is hereby amended to include within the scope of services the continued legal review and analysis of claims submitted by Todd-Ford, a subcontractor to Clark/JT Construction in association with Phase IB of the Henry B. Gonzalez Convention Center Expansion Project, the mediation and arbitration, if needed, of such claims and other work associated with the Project for an amount not to exceed \$120,000.

SECTION 2. A Legal Services Contract in the amount of \$15,000.00 with Lewin Plunkett of Plunkett & Gibson for legal services in connection with a dispute of an insurance matter before the Dispute Resolution Board. All services previously rendered are hereby ratified.

SECTION 3. The amount of \$120,000.00 is appropriated in Fund 47-001020, Convention Center Expansion Project in Index Code 473967, entitled Legal Fees, and is authorized to be encumbered and made payable to Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C., in connection with legal review and analysis of claims pertaining to the Convention Center Expansion Project.

SECTION 4. The amount of \$15,000.00 is appropriated in Fund 47-001020, Convention Center Expansion Project, in Index Code 473967, entitled Legal Fees, and is authorized to be encumbered and made payable to Plunkett & Gibson, for legal services in connection with the Convention Center Expansion Project.

SECTION 5. The amount of \$5,000.00 is appropriated in Fund 47-001020, Convention Center Expansion Project, in Index Code 473967, entitled Legal Fees, and is authorized to be encumbered and made payable to Johnston, Ralph, Reed & Watt, for services rendered on the Disputes Resolution Board in connection with the Convention Center Expansion Project.

SECTION 6 The City Manager or her designee, shall be authorized for 45 days following the effective date of this Ordinance to execute such documents as are necessary to carry out the intent of this Ordinance. Copies of such documents shall be attached hereto upon final execution by the parties.

SECTION 7 The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager, or her designee, correct allocations to specific index codes and the Fund Numbers, as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance shall take effect on the tenth (10th) day after the date of passage thereof.

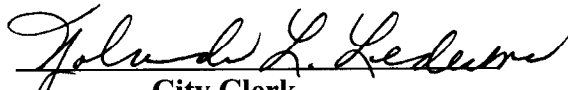
PASSED AND APPROVED this 25th day of September, 2003.



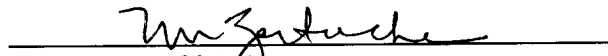
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney